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T.H.
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PATENT
Customer No. 22,852
Attorney Docket No. 7883.0005-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:

Todd A. HALL et al.

Application No.: 09/891,663

Filed: June 27, 2001

For: STENT DELIVERY SYSTEM AND
METHOD OF USE

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) Group Art Unit: 3731
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) Examiner: D. Jacob Davis
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Commissioner for Patents and Trademarks
Washington, DC 20231

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OCT 30 2002

TECHNOLOGY CENTER R3700

Sir:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

In the Office Action dated September 30, 2002, the Examiner required restriction under 35 U.S.C. § 121 between the following claim groups:

- I. Claims 69-81;
- II. Claims 82-93; and
- III. Claims 94-108.

The Examiner also required an election under 35 U.S.C. § 121 of one catheter and one guidewire from the following allegedly patentably distinct species:

Catheters

- Species 1-1: Figs. 9-11;
- Species 1-2: Fig. 12;
- Species 1-3: Figs. 13A and 13B;
- Species 1-4: Figs. 14A and 14B;
- Species 1-5: Figs. 15A and 15B;
- Species 1-6: Figs. 15C and 15D;
- Species 1-7: Fig. 16;
- Species 1-8: Figs. 20 and 21; and
- Species 1-9: Figs. 22 and 23

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Guidewires

Species 2-1: Figs. 11, 13B, 14B, 15B, and 15D;

Species 2-2: Figs. 12;

Species 2-4: Fig. 17;

Species 2-5: Figs. 18A and 18B;

Species 2-6: Figs. 19A-19C; and

Species 2-7: Fig. 24.

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Applicants do not necessarily agree with the Examiner's characterizations and assertions regarding the claims or the allegedly patentably distinct claim groups and species. Although Applicants do not specifically address the various characterizations and assertions set forth in the Office Action, this should not be taken as a manifestation that Applicants subscribe to those characterizations and assertions.

To expedite the prosecution of this application, Applicants provisionally elect to prosecute claim group III, claims 94-108. Applicants further provisionally elect Species 1-1 of Figs. 9-11, and Species 2-1 of Figs. 11, 13B, 14B, 15B, and 15D. The claims of claim group III "readable on" the elected species include claims 94-108.

Applicants respectfully request the examination of claims 94-108.

Please grant any extensions of time required to enter this Response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 29, 2002

By: Susanne T. Jones
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